

THIRTEENTH DAY

WEDNESDAY, NOVEMBER 10, 2009

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Antelli, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Drawe, Driscoll, Eckel, Esposito, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra — 29

Note: President Zyra congratulated Legislators Antelli, Andrews, Bronson, Colby, Drawe, Haney, Hanna, Heider, Kaleh, Lee, McCann, Tucciarello and Valerio on their successful campaigns. He also recognized new legislator, Mike Rockow and former legislators Douglas Dobson and Christopher Wilmot to the meeting.

Meeting formally opened. At the invitation of Legislator E. Daniel Quatro, Pastor Kevin Kisler of Covenant Presbyterian Church delivered the invocation.

PRESENTATION OF THE COLORS

The Colors of Our Nation were presented by the United States Marine Corps. The Pledge of Allegiance to the Flag was led by Legislator Jeffery R. Adair.

PROCLAMATION

By the President of the Legislature — Wayne E. Zyra

Proclaimed Jointly with County Executive Maggie Brooks and Legislator John G. (Jack) Driscoll “United States Marine Corps” on the celebration of its 234th birthday.

Read and Filed.

RETIRING OF THE COLORS

The Colors of Our Nation were retired by the United States Marine Corps.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 12, October 13, 2009 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Recognized Jointly with Legislators Michael G. Barker and Ciaran T. Hanna “Fairport School District” on successfully completing the second year of Halloween Trick-Or-Treat for UNICEF program in the Fairport Elementary Schools.
Read and Filed.

Recognized Jointly with Legislator Anthony Daniele “Alia Bajorek” for her efforts to raise money for various charities in our community.
Read and Filed.

Recognized Jointly with Legislators Jeffery L. McCann, Rick Antelli and Mark J. Cassetti “Greece Rotary” for bringing awareness to the Greece community with its continued fight against polio.
Read and Filed.

Recognized Jointly with Legislator Mary A. Valerio “Honor Flight Rochester” for its incredible work to honor the men and women who defended freedom during World War II.
Read and Filed.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Five speakers addressed the Legislature and the Open Forum concluded at 6:33 P.M.

RECESS

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board.**

Intro. 329
M. 77
29-0

Quatro/Bronson
Motion to Move and Vote on the Pure Waters Administrative Board Items 1-22 As A Whole

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of November 10, 2009 and proceeded under the Usual Order of Business.

Intro. 330
M. 78
29-0

Quatro/Bronson
Motion to Move Agenda Items 1-34 As A Whole Except for Items 35-44

LOCAL LAWS

1. Tucciarello & Barker
Intro. 331 09-0309 Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003; Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005, Local Law Nos. 2,3,6,9 And 10 Of 2006, Local Law Nos. 1,4 7 And 8 Of 2007 And Local Law Nos. 3,5,6, 10 And 12 Of 2008 To Revise Empire Zone Boundary Planning and Economic Development Committee; October 26, 2009 – CV: 4-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
(For Introductory Purposes Only)
2. Tucciarello & Barker
Intro. 332
M. 79
29-0 09-0309 Providing That Local Law (Intro. No. 331 of 2009), Entitled “Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3,8 And 14 Of 2003; Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005, Local Law Nos. 2,3,6,9 And 10 Of 2006, Local Law Nos. 1,4 7 And 8 Of 2007 And Local Law Nos. 3,5,6, 10 And 12 Of 2008 To Revise Empire Zone Boundary,” Be Tabled
3. Tucciarello & Barker
Intro. 333
Res. 251
29-0 09-0309 Fixing A Public Hearing On Local Law (Intro. No. 331 of 2009), Entitled “Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3,8 And 14 Of 2003; Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005, Local Law Nos. 2,3,6,9 And 10 Of 2006, Local Law Nos. 1,4 7 And 8 Of 2007 And Local Law Nos. 3,5,6, 10 And 12 Of 2008 To Revise Empire Zone Boundary.”
(Public Hearing is scheduled for Tuesday, December 8, 2009 at 6:19 P.M.)

MOTIONS, RESOLUTIONS AND NOTICES

4. Hanna & Barker
Intro. 334
Res. 252
29-0 09-0310 Accepting Grant From New York State Division Of Criminal Justice Services For Public Defender’s Mental Health and Drug Treatment Court Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
5. Hanna & Barker
Intro. 335
Res 253
29-0 09-0311 Accepting Grant From New York State Division Of Criminal Justice Services For Public Defender Indigent Parolee Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
6. Hanna & Barker
Intro. 336
Res. 254
29-0 09-0312 Accepting Grant From New York State Division Of Criminal Justice Services For 2009-2010 DNA Laboratory Capacity Enhancement Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
7. Hanna & Barker
Intro. 337
Res. 255
29-0 09-0313 Accepting Grant From New York State Division Of Criminal Justice Services for 2009-2010 Aid To Crime Laboratories Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
8. Hanna & Barker
Intro. 338
Res. 256
29-0 09-0314 Accepting Grant From New York State Division Of Criminal Justice Services For District Attorney’s Office, the Office Of the Sheriff, And Department Of Public Safety, Office Of Probation and Community Corrections, For Operation IMPACT VI Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0
9. Hanna & Barker
Intro. 339
Res. 257
29-0 09-0315 Accepting Aid to Localities Grant From New York Division Of Criminal Justice Services for Offices Of Public Defender And District Attorney
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

10. Hanna & Barker
Intro. 340
Res. 258
29-0 09-0317 Accepting Grant From Allstate Insurance Company For Motorcycle Safety Program
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

11. Hanna & Barker
Intro. 341
Res. 259
29-0 09-0318 Authorizing Contract With Catholic Family Center For Driving While Intoxicated Victim
Advocate/Coordinator
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

12. Hanna & Barker
Intro. 342
Res. 260
29-0 09-0319 Accepting Grant From New York State Division Of Probation And Correctional Alternatives
For Rockefeller Drug Law Reform – Stimulus Funding
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

13. Hanna & Barker
Intro. 343
Res. 261
29-0 09-0320 Accepting Grant From United States Department Of Justice, Bureau Of Justice Assistance,
For Second Chance Act Prisoner Reentry Initiative And Authorize A Contract With Catholic
Family Center
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

14. Antelli & Tucciarello
Intro. 344
Res. 262
29-0 09-0321 Authorizing Interlocal Cooperation Agreement With City Of Rochester And Monroe
County/Rochester Workforce Investment Board To Continue Unified Workforce
Development System
Intergovernmental Relations Committee; October 27, 2009 – CV: 5-0
Planning and Economic Development Committee; October 26, 2009 – CV: 4-0

15. Antelli & Barker
Intro. 345
Res. 263
29-0 09-0322 Authorizing Memorandum Of Agreement With Rochester City School District, City Of
Rochester And New York State Office Of Children And Family Services For Rochester
Re-Entry Program
Intergovernmental Relations Committee; October 27, 2009 – CV: 5-0
Public Safety Committee; October 26, 2009 – CV: 9-0

16. Antelli, Hanna & Barker
Intro. 346
Res. 264
29-0 09-0323 Authorizing Intermunicipal Agreement With Oneida County For Services At Central New
York Psychiatric Center For Monroe County Inmates
Intergovernmental Relations Committee; October 27, 2009 – CV: 5-0
Public Safety Committee; October 26, 2009 – CV: 9-0
Ways and Means Committee; October 27, 2009 – CV: 11-0

17. Daniele & Barker
Intro. 347
Res. 265
29-0 09-0325 Accepting Grant From New York State Division Of Criminal Justice Services For Aid To
Crime Laboratories Program Related To Medical Examiner's Office
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

18. Daniele & Barker
Intro. 348
Res. 266
29-0 09-0326 Accepting Grant From Centers For Disease Control And Prevention For School Based
Influenza Immunization Program And Authorize Contract With University Of Rochester
Human Services Committee; October 27, 2009 – CV: 7-0 (As Amended)
Ways and Means Committee; October 28, 2009 – CV: 11-0 (As Amended in HS)

19. Daniele & Barker
Intro. 349
Res. 267
29-0 09-0327 Accepting Grant From New York State Department Of Health For Public Health
Preparedness And Response To Bioterrorism Program And Authorize Contracts
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0

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| 20. | Daniele & Barker
Intro. 350
Res. 268
29-0 | 09-0328 | Accepting Grant From New York State Department Of Health For HIV Partner Services Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 21. | Daniele & Barker
Intro. 351
Res. 269
29-0 | 09-0329 | Accepting Grant From Centers For Disease Control For Healthy Futures For Children In Foster Care Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 22. | Daniele & Barker
Intro. 352
Res. 270
29-0 | 09-0330 | Amending Resolution 158 of 2009 To Accept Additional Funding From New York State Office Of Temporary And Disability Assistance For Intensive Case Services For Noncompliant Families Plan
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 23. | Daniele & Barker
Intro. 353
Res. 271
29-0 | 09-0331 | Accepting Grant From New York State Office Of Temporary And Disability Assistance For Transitional Jobs Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 24. | Daniele & Barker
Intro. 354
Res. 272
29-0 | 09-0332 | Accepting Grant From New York State Office Of Temporary And Disability Assistance For Health Care Jobs Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 25. | Daniele & Barker
Intro. 355
Res. 273
29-0 | 09-0333 | Accepting Grant From New York State Office Of Children & Family Services For Amy Watkins Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 26. | Daniele & Barker
Intro. 356
Res. 274
29-0 | 09-0334 | Accepting Grant From New York State Department Of Health For Children With Special Health Care Needs Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 27. | Daniele & Barker
Intro. 357
Res. 275
29-0 | 09-0335 | Accepting Grant From New York State Department Of Health For Nutrition Programs And Authorize Contracts With April Simmons, Rut Ortega, Milagro Serrano and Tiffany VanDamme
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 28. | Daniele & Barker
Intro. 358
Res. 276
29-0 | 09-0336 | Accepting Grant From New York Department Of Health For Early Intervention Program
Human Services Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 29. | Cassetti & Barker
Intro. 359
Res. 277
29-0 | 09-0337 | Accepting Grant From United States Department Of Energy For Energy Efficiency And Conservation Block Grant Program
Environment and Public Works Committee; October 28, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |

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| 30. Cassetti & Barker
Intro. 360
Res. 278
29-0 | 09-0338 | Authorizing Contract With Malcolm Pirnie, Inc. For Professional Engineering Services For Irondequoit Bay South Central Pure Waters District's Irondequoit Bay Pump Station Force Main Improvements Project
Environment and Public Works Committee; October 28, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 31. Cassetti & Barker
Intro. 361
Res. 279
29-0 | 09-0340 | Authorizing Contract With ARCADIS of NY, Inc. For Professional Engineering Services For Northwest Quadrant Pure Waters District's Northwest Quadrant Wastewater Treatment Facility Secondary Clarifier Improvements Project
Environment and Public Works Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 32. Cassetti & Barker
Intro. 362
Res. 280
29-0 | 09-0342 | Authorizing Contracts With ARCADIS Of NY, Inc. And Day Engineering, P.C. For Environmental Consulting Term Services
Environment and Public Works Committee; October 27, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 33. Antelli, Cassetti & Barker
Intro. 363
Res. 281
29-0 | 09-0344 | Authorizing Intermunicipal Agreement With Monroe #1 Board Of Cooperative Educational Services To Provide An Annual Technical Skills Training Program
Intergovernmental Relations Committee; October 27, 2009 – CV: 5-0
Environment and Public Works Committee; October 28, 2009 – CV: 7-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |
| 34. Tucciarello & Barker
Intro. 364
Res. 282
29-0 | 09-0345 | Designating VisitRochester As Official Tourist Promotion Agency
Planning and Economic Development Committee; October 26, 2009 – CV: 4-0
Ways and Means Committee; October 28, 2009 – CV: 11-0 |

Matters of Urgency

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| 35. Barker & Driscoll
Intro. 365 | 09-0399 | Adoption of Monroe County Annual Budget for the Year 2010 and Establishing 2010 Monroe County Classification, Compensation and Salary Schedule for Monroe County Employees
Matter Of Urgency
<i>(For Introductory Purposes Only)</i> |
| 36. Barker & Driscoll
Intro. 366
M. 80
29-0 | 09-0399 | Providing that Resolution (Intro. No. 365 of 2009), Entitled “Adoption of Monroe County Annual Budget for the Year 2010 and Establishing 2010 Monroe County Classification, Compensation and Salary Schedule for Monroe County Employees,” Be Tabled
Matter Of Urgency |
| 37. Barker & Driscoll
Intro. 367
Res. 283
29-0 | 09-0399 | Fixing Public Hearing on Resolution (Intro. No. 365 of 2009), Entitled “Adoption of Monroe County Annual Budget for the Year 2010 and Establishing 2010 Monroe County Classification, Compensation and Salary Schedule for Monroe County Employees”
Matter Of Urgency
<i>(Public Hearing is scheduled for Thursday, December 3, 2009 at 5:35 P.M. before the Ways and Means Committee)</i> |
| 38. Cassetti & Barker
Intro. 368 | 09-0400 | Confirming And Adopting Assessment Rolls Of Pure Waters Sewer Districts For 2010 And Confirmation And Adoption Of Assessment Rolls
Matter Of Urgency
<i>(For Introductory Purposes Only)</i> |
| 39. Cassetti & Barker
Intro. 369
M. 81
29-0 | 09-0400 | Providing that Resolution (Intro. No. 368 of 2009), Entitled “Confirming And Adopting Assessment Rolls of Pure Waters Districts For 2010 And Confirmation And Adoption Of Assessment Rolls,” Be Tabled |

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| 40. | Cassetti &
Barker
Intro. 370
Res. 284
29-0 | 09-0400 | Fixing Public Hearing on Resolution (Intro. No. 368 of 2009), Entitled "Confirming And Adopting Assessment Rolls Of Pure Waters Districts For 2010 And Confirmation Of Assessment Rolls
<i>(Public Hearing is scheduled for Thursday, December 3, 2009 at 5:31 P.M. before the Ways and Means Committee)</i> |
| 41. | Quatro &
Bronson
Intro. 371 | 09-0401 | A Local Law Entitled "Person First Language Act"
Matter Of Urgency
<i>(For Introductory Purposes Only)</i> |
| 42. | Quatro &
Bronson
Intro. 372
M. 82
29-0 | 09-0401 | Providing that Local Law (Intro. No. 371 of 2009), Entitled "Person First Language Act", Be Tabled |
| 43. | Quatro &
Bronson
Intro. 373
Res. 285
29-0 | 09-0401 | Fixing Public Hearing on Local Law (Intro. No. 371 of 2009), Entitled "Person First Language Act"
<i>(Public Hearing is scheduled for Tuesday, December 8, 2009 at 6:20 P.M.)</i> |
| 44. | Daniele &
Barker
Intro. 374
Res. 286
29-0 | 09-0402 | Accepting Grant From U.S. Department Of Housing And Urban Development For Lead-Based Paint Hazard Control Program; Authorizing Contracts With Schneider Laboratories, Inc., Metrix Marketing, Inc., University Of Rochester, And Cornell University
Matter Of Urgency |

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Quatro, the Legislature adjourned at 6:45 P.M. until Tuesday, December 8, 2009 at 6:00 P.M.

LISA POLITO NICOLAY
Clerk of the Legislature